

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1536 be amended to read as follows:

1 Page 5, between lines 29 and 30, begin a new paragraph and insert:
2 "SECTION 4. IC 22-3-3-8 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. With respect to
4 injuries occurring prior to April 1, 1951, causing temporary total
5 disability for work there shall be paid to the injured employee during
6 such total disability for work a weekly compensation equal to fifty-five
7 percent (55%) of his average weekly wages for a period not to exceed
8 five hundred (500) weeks. With respect to injuries occurring on and
9 after April 1, 1951, and prior to July 1, 1971, causing temporary total
10 disability for work there shall be paid to the injured employee during
11 such total disability a weekly compensation equal to sixty percent
12 (60%) of his average weekly wages for a period not to exceed five
13 hundred (500) weeks. With respect to injuries occurring on and after
14 July 1, 1971, and prior to July 1, 1974, causing temporary total
15 disability for work there shall be paid to the injured employee during
16 such total disability a weekly compensation equal to sixty percent
17 (60%) of his average weekly wages, as defined in IC 22-3-3-22 a period
18 not to exceed five hundred (500) weeks. With respect to injuries
19 occurring on and after July 1, 1974, and before July 1, 1976, causing
20 temporary total disability or total permanent disability for work there
21 shall be paid to the injured employee during such total disability a
22 weekly compensation equal to sixty-six and two-thirds percent (66
23 2/3%) of his average weekly wages up to one hundred and thirty-five
24 dollars (\$135.00) average weekly wages, as defined in section 22 of this

chapter, for a period not to exceed five hundred (500) weeks. With respect to injuries occurring on and after July 1, 1976, causing temporary total disability or total permanent disability for work, there shall be paid to the injured employee during the total disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of his average weekly wages, as defined in IC 22-3-3-22, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. **Compensation paid under this section shall be adjusted as required under section 10.5 of this chapter.**

SECTION 5. IC 22-3-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. With respect to injuries occurring prior to April 1, 1951 causing temporary partial disability for work, compensation shall be paid to the injured employee during such disability, as prescribed in section 7 of this chapter, a weekly compensation equal to fifty-five percent (55%) of the difference between his average weekly wages and the weekly wages at which he is actually employed after the injury, for a period not to exceed three hundred (300) weeks. With respect to injuries occurring on and after April 1, 1951 and prior to July 1, 1974 causing temporary partial disability for work, compensation shall be paid to the injured employee during such disability, as prescribed in section 7 of this chapter, a weekly compensation equal to sixty percent (60%) of the difference between his average weekly wages and the weekly wages at which he is actually employed after the injury, for a period not to exceed three hundred (300) weeks. With respect to injuries occurring on and after July 1, 1974 causing temporary partial disability for work, compensation shall be paid to the injured employee during such disability as prescribed in section 7 of this chapter, a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the difference between his average weekly wages and the weekly wages at which he is actually employed after the injury, for a period not to exceed three hundred (300) weeks. In case the partial disability begins after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability. **Compensation paid under this section shall be adjusted as required under section 10.5 of this chapter."**

Page 10, line 12, after "schedule" insert ", **adjusted as required under section 10.5 of this chapter,**".

Page 15, between lines 4 and 5, begin a new paragraph and insert:
 "SECTION 7. IC 22-3-3-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10.5. (a) As used in this section, "board" refers to the worker's compensation board created under IC 22-3-1-1.**

(b) For each fiscal year that begins after June 30, 2005, the

board shall determine whether there has been an increase in the consumer price index-urban families (CPI-U) prepared by the United States Bureau of Labor Statistics by dividing the CPI-U for the preceding fiscal year by the CPI-U for the fiscal year before the preceding fiscal year. If the quotient is a positive number, it shall be stated as a percentage, rounded to the nearest one-tenth of one percent (0.1%), and may not exceed five percent (5%). Compensation for temporary total disability, temporary partial disability, permanent partial impairment, and permanent total disability paid to an employee or an employee's surviving dependents, beginning with the July payment, shall be increased by an amount equal to the June payment times the percentage increase. Compensation for temporary total disability, temporary partial disability, permanent partial impairment, and permanent total disability may not be increased under this section more often than once every twelve (12) months."

Page 26, line 1, after "(t)" insert "Except for adjustments required under section 10.5 of this chapter,".

Page 26, line 1, delete "The" and insert "the".

Page 31, line 27, after "days." insert "Compensation paid under this subsection shall be adjusted as required under section 16.5 of this chapter.".

Page 32, line 22, after "disability." insert "Compensation paid under this subsection shall be adjusted as required under section 16.5 of this chapter.".

Page 35, line 20, after "schedule" insert ", adjusted as required under section 16.5 of this chapter,".

Page 42, between lines 39 and 40, begin a new paragraph and insert:
 "SECTION 15. IC 22-3-7-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16.5. (a) As used in this section, "board" refers to the worker's compensation board created under IC 22-3-1-1.

(b) For each fiscal year that begins after June 30, 2005, the board shall determine whether there has been an increase in the consumer price index-urban families (CPI-U) prepared by the United States Bureau of Labor Statistics by dividing the CPI-U for the preceding fiscal year by the CPI-U for the fiscal year before the preceding fiscal year. If the quotient is a positive number, it shall be stated as a percentage, rounded to the nearest one-tenth of one percent (0.1%), and may not exceed five percent (5%). Compensation for temporary total disability, temporary partial disability, permanent partial impairment, and permanent total disability paid to an employee or an employee's surviving dependents, beginning with the July payment, shall be increased by an amount equal to the June payment times the percentage

1 **increase. Compensation for temporary total disability, temporary**
2 **partial disability, permanent partial impairment, and permanent**
3 **total disability may not be increased under this section more often**
4 **than once every twelve (12) months."**

5 Page 49, line 21, after "(t)" insert "**Except for adjustments**
6 **required under section 16.5 of this chapter,"**.

7 Page 49, line 21, delete "The" and insert "the".

8 Renumber all SECTIONS consecutively.

(Reference is to HB 1536 as printed February 25, 2005.)

Representative Stilwell